

**CITY OF MILPITAS
Summary of Contents
Milpitas City Council Meeting
November 4, 2003
6:00 p.m. Closed Session
7:00 p.m. Public Business
455 E. Calaveras Boulevard**

I. ROLL CALL (6:00 p.m.)

II. ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR

(Pursuant to Government Code Section 54957.6)

Agency Negotiator: Cherie Rosenquist and Eddie Kreisberg

Employee Organization: MPOA

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Pursuant to Government Code Section 54956.8)

Property: APN No. 2208003

Negotiating Parties: Milpitas Redevelopment Agency, Santa Clara County

Property Owner: Cardoza

Under Negotiation: Terms and Conditions for Acquisition of Property

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

(Pursuant to Government Code Section 54956.9[c])

Initiation of Litigation: One Case

III. SPECIAL MEETING WITH MILPITAS UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION (SEE SEPARATE AGENDA)

IV. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote on abstention of each member present

V. APPROVAL OF MINUTES: October 21, 2003

VI. SCHEDULE OF MEETINGS

VII. PRESENTATIONS – See Special Meeting Agenda

VIII. CITIZENS FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to under two minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

IX. ANNOUNCEMENTS

X. APPROVAL OF AGENDA

XI. CONSENT CALENDAR (Items with Asterisks)

XII. PUBLIC HEARING (None)

XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. CALL TO ORDER BY THE MAYOR

RA2. ROLL CALL

RA3. APPROVAL OF MINUTES: October 21, 2003

RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)

RA5. City of Milpitas Investment Portfolio Status Report for the Quarter Ended September 30, 2003 (Staff Contact: Emma Karlen, 586-3145)

***RA6. Adopt Resolution setting November 18, 2003, for a Public Hearing to Determine Whether Public Necessity, Health, Safety, or Welfare Requires the Formation of an Underground Utility District on North Main Street, Weller Lane, and Winsor Avenue (Staff Contact: Greg Armendariz, 586-3220)**

***RA7. Approve Agreement Amendment: Nolte & Associates, Milpitas Library Right of Way (Project No. 8154) (Staff Contact: Mike McNeely, 586-3301 / Greg Armendariz, 586-3220)**

RA8. AGENCY ADJOURNMENT

XIV. REPORTS OF OFFICERS AND BOARDS

City Council

- 1. Approve Appointments to the VTA Board and VTA Policy Advisory Committee: Mayor Esteves (Staff Contact: Cindy Maxwell, 586-3282)**

Civic Center Subcommittee

- 2. Veterans' Memorial: Recommendation from Civic Center Subcommittee (Staff Contact: Mark Rogge, 586-3257)**

Economic Development Commission

- 3. Approve Professional Assistance for Preparation of Economic Development Plan: Economic Development Commission: Mayor Esteves (Staff Contact: Cindy Maxwell, 586-3282)**

XV. UNFINISHED BUSINESS

- 4. Receive Odor Control Comprehensive Action Plan Update (Staff Contact Darryl Wong, 586-3345)**

- *5. Adopt Revised Findings and Conditions for Variance No. P-VA2003-2 and "S" Zone Approval-Amendment P-SA2003-61 to Exceed the Hillside Impervious Surface Coverage Requirement to Allow Accessory Structures (Staff Contact: James Lindsay, 586-3274)**

XVI. NEW BUSINESS (None)

XVII. ORDINANCES (None)

XVIII. RESOLUTIONS

- *6. Adopt Resolution Adjusting Fire Department Fees (Staff Contact: Patricia Joki, 586-3370)**
- *7. Adopt Resolution Granting Initial Acceptance: 2003 Street Resurfacing (Project No. 4182) (Staff Contact: Steve Erickson, 586-3317)**
- *8. Adopt Resolution Granting Initial Acceptance: Off-Leash Dog Park (Project No. 5072) (Staff Contact: Doug De Vries, 586-3313)**
- *9. Adopt Resolution Granting Final Acceptance: Main Sewer Pump Station Improvements (Project No. 6071) (Staff Contact: Steve Erickson, 586-3317)**

XIX. BIDS AND CONTRACTS

- *10. Approve the Consultant Agreement: DE Group (DEG) - Singley Area Street Rehabilitation (Project No. 4200-Phase III) (Staff Contact: Doug De Vries, 408-586-3313)**
- *11. Approve Agreement Amendment: Bay Area Coating Consultant Services, Hillside Water System Improvement Project (Project No. 7083) (Staff Contact: Steve Erickson, 586-3317)**
- *12. Approve Agreement Amendment: Sugimura & Associates, Great Mall Medians Landscape and Irrigation (Project No. 4133) (Staff Contact: Doug De Vries, 586-3313)**
- *13. Approve Plans and Specifications and Amendment to Consultant Services Agreement: Selwyn Park Improvements (Project No. 5078) (Staff Contact: Mark Rogge, 586-3257)**
- *14. Approve Project Sentinel Contract to Prepare the Analysis to Impediments to Fair Housing Report (Staff Contact: Felix Reliford, 586-3071 / Gloria Anaya, 586-3075)**
- *15. Approve Purchase Order Payment Requests for Radio Antenna Equipment and Radio Tower Maintenance (Staff Contact: Bill Marion, 586-2701)**
- *16. Authorize Sole Source Purchase Order to Peterson Power Systems for Servicing Diesel Engines at Oakcreek Pump Station (Project No. 8140) (Staff Contact: Doug De Vries, 586-3313)**
- *17. Approve an Increased Premium for Excess Workers' Compensation Insurance (Staff Contact: Cherie Rosenquist, 586-3082)**

XX. CLAIMS AND DEMANDS (None)

XXI. ADJOURNMENT

XXII. MILPITAS CONNECTION BOARD OF DIRECTORS MEETING

MC1. CALL TO ORDER BY THE MAYOR

MC2. ROLL CALL

MC3. Approve Certificate of Dissolution for the Milpitas Connection, Inc. (Staff Contact: Gail Blalock, 586-3001)

MC4. ADJOURNMENT

CITY OF MILPITAS
Summary of Contents
Milpitas City Council Meeting
November 4, 2003
6:00 p.m. Closed Session
7:00 p.m. Public Business
455 E. Calaveras Boulevard (Mailing Address)

XII. PUBLIC HEARING (None)

XIII. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. CALL TO ORDER BY THE MAYOR

RA2. ROLL CALL

RA3. APPROVAL OF MINUTES: October 21, 2003

RA4. APPROVAL OF AGENDA AND CONSENT CALENDAR (ITEMS WITH ASTERISKS)

RA5. CITY OF MILPITAS INVESTMENT PORTFOLIO STATUS REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2003 (STAFF CONTACT: EMMA KARLEN, 586-3145)

BACKGROUND: In compliance with the State of California Government Code and the City's Investment policy, the City of Milpitas Investment Report for the quarter ended September 30, 2003 is submitted for your review and acceptance.

The Portfolio Summary Report included in the Council's agenda packet provides a summary of the City's investments by type. It lists the par value, market value, book value, percentage of portfolio, term, days to maturity and the equivalent yields for each type of investment. The Portfolio Details Report provides the same information for each individual investment in the City's portfolio as of September 30, 2003.

As of September 30, 2003, the principal cost and market value of the City's investment portfolio was \$158,400,347.42 and \$161,309,272.00 respectively. When market interest rates increase after an investment is purchased, the market value of that investment decreases. Conversely, when market interest rates decline after an investment is purchased, the market value of that investment increases. If the investments are not sold prior to the maturity date, there is no market risk. Therefore, in accordance with the City's investment policy, all investments are held until maturity to ensure the return of all invested principal.

The City's effective rate of return for the period ended September 30, 2003 was 3.42%. The comparative benchmarks for the same period were 1.39% for LAIF (Local Agency Investment Fund) and 1.58% for the average 2 year Treasury Note. Excluding the long-term GNMA securities, the weighted average maturity of the portfolio was 655 days.

The investment portfolio is in compliance with the City's investment policy. A combination of securities maturing, new revenues, and tax receipts will adequately cover the anticipated cash flow needs for the next six months. Cash flow requirements are continually monitored and are considered paramount in the selection of maturity dates of securities.

RECOMMENDATION: Note receipt and file the investment report for the quarter ended September 30, 2003.

***RA6. ADOPT RESOLUTION SETTING NOVEMBER 18, 2003, FOR A PUBLIC HEARING TO DETERMINE WHETHER PUBLIC NECESSITY, HEALTH, SAFETY OR WELFARE REQUIRES THE FORMATION OF AN UNDERGROUND UTILITY DISTRICT ON NORTH MAIN STREET, WELLER LANE, AND WINSOR AVENUE FOR LIBRARY AND MIDTOWN PROJECTS (STAFF CONTACT: GREG ARMENDARIZ, 586-3220)**

BACKGROUND: Establishment of an underground utility district is a necessary step towards removal of overhead power, telecommunications and related equipment and poles. Placing these utilities underground increases public safety, particularly during and after seismic events, storms and makes the area more attractive, for commerce and community activities. Undergrounding of utilities in the immediate proximity of the new library project and Midtown streetscape along Main Street is recommended. To establish an Underground Utility District in accordance with the Milpitas Municipal Code, Title VII, Chapter 3 for the area located on North Main Street, Weller Lane and Winsor Avenue, a notice is required to be sent to all affected property owners within the district 10 days prior to a Public Hearing.

The cost estimate for this work is \$700,000 and funding would be available from the 2003 Bond Proceeds. A budget appropriation will be requested at a later date, if Council approves the formation of the Underground Utility District. Additional information, including a draft resolution, map, list of affected property owners, and staff report is provided in the Council packet.

RECOMMENDATION: Adopt a Resolution setting November 18, 2003, as the date for a Public Hearing to determine whether Public Necessity, Health Safety or Welfare requires the formation of an Underground Utility District, and authorize the City Manager or his designee to notify all affected property owners as shown on the last equalized assessment roll, and all concerned utility companies of the time and place of such public hearing.

***RA7. APPROVE AGREEMENT AMENDMENT: NOLTE & ASSOCIATES, MILPITAS LIBRARY RIGHT OF WAY (PROJECT NO. 8154) (STAFF CONTACT: MIKE MCNEELY, 586-3301 / GREG ARMENDARIZ, 586-3220)**

BACKGROUND: Construction of the new library and parking garage will require acquisition of parcels between Winsor Street and the railroad. Staff and the Library Subcommittee recommend that the cost of acquiring parcels on the east side of Winsor Street north of the Calaveras Boulevard overpass be appraised. The fee associated with these services is not to exceed \$17,500, which is considered reasonable for the scope of work. Services from a Right-of-Way agent will be pursued next, in order to initiate right of way negotiation and purchases. These services are estimated at \$20,000.

Staff also recommends that a new CIP project for Milpitas Library Right of Way be established with an appropriation of \$70,000 for right of way acquisition activities as follows

1. Title search, plats and descriptions	\$19,500
2. Appraisals	17,500
3. Right-of-Way negotiation services	20,000
4. Administration and reproduction costs.	<u>13,000</u>
Total:	<u>70,000</u>

Funds are available from the 2003 RDA bond proceeds. It is estimated that these funds will be sufficient for right-of-way services through negotiations with the property owners. An additional appropriation will be necessary at a later date when acquisition costs are known.

RECOMMENDATION:

1. Authorize the City Manager to execute the agreement amendment with Nolte & Associates, in the amount of \$17,500, subject to approval as to form by the City Attorney.
2. Approve the budget appropriation of \$70,000 and the new CIP Project No. 8154.

RA8. AGENCY ADJOURNMENT

XIV. REPORTS OF OFFICERS AND BOARDS

City Council

1. APPROVE APPOINTMENTS TO THE VTA BOARD AND VTA POLICY ADVISORY COMMITTEE: MAYOR ESTEVES (STAFF CONTACT: CINDY MAXWELL, 586-3282)

BACKGROUND: Milpitas will have a voting seat on the VTA Board for calendar years 2004 and 2005. Vice Mayor Dixon currently serves as Milpitas' Board Alternate. The Mayor recommends the Vice Mayor be appointed to the VTA Board.

The Vice Mayor currently is also a member of the VTA Policy Advisory Committee (PAC). The PAC bylaws require that members not be voting VTA Boardmembers. The Mayor recommends Councilmember Polanski be appointed to the PAC and that he (the Mayor) continue to serve as the PAC Alternate.

RECOMMENDATION: Approve the Mayor's appointment of Vice Mayor Dixon to the VTA Board and Councilmember Polanski to the VTA PAC.

Civic Center Subcommittee

2. VETERANS' MEMORIAL: RECOMMENDATION FROM CIVIC CENTER SUBCOMMITTEE (STAFF CONTACT: MARK ROGGE, 586-3257)

BACKGROUND: Councilmembers and other members of the community suggested an appropriate addition to the memorial to honor those who have served since Vietnam. An ad-hoc committee of Veteran's was formed and met to consider the Veterans' memorial and its potential role to honor other people and/or remember other conflicts.

PROPOSAL

The attached committee report recommends installation of a new memorial plaque near the south edge of the existing Veterans' Memorial. The memorial would consist of a bronze plaque set into a limestone backing. A tree would be planted beside the plaque to provide balance to the site.

A few recommendations were also made to improve the existing memorial and provide better ceremonial access. These additions include:

- A concrete walkway behind the flagpoles, to provide better access during ceremonial installation of the colors;
- Adding date labels to the WWII, Korea and Vietnam monuments.
- As part of the Senior Center design, give consideration to regarding the area in front of the memorial to provide better viewing of the monuments during ceremonies.

The Civic Center Subcommittee will review the memo and proposal at the November 3rd meeting. The final recommendation will be made at the City Council meeting.

Upon City Council approval staff can prepare a mock of the new plaque for display at the November 11th Veterans Day Ceremony. Permanent installation of the plaque and tree and construction of the sidewalk would be accomplished later, along with other construction projects to increase efficiency and economy.

RECOMMENDATION:

1. Approve an addition of the memorial and tree, as described in the committee report.
2. Approve addition of a new sidewalk behind the flagpoles.
3. Approve addition of bronze date labels to existing monuments to indicate years.
4. Approve a budget of \$10,000 from the unallocated City Hall project for the above items.

Economic Development Commission**3. APPROVE PROFESSIONAL ASSISTANCE FOR PREPARATION OF ECONOMIC DEVELOPMENT PLAN: ECONOMIC DEVELOPMENT COMMISSION: MAYOR ESTEVES (STAFF CONTACT: CINDY MAXWELL, 586-3282)**

BACKGROUND: The City Council created the Economic Development Commission (EDC) in February 2003 to advise on business issues and to design, develop, and implement a comprehensive economic development program for the City of Milpitas. The eleven member Commission held their initial meeting in April 2003. Since that time they developed their bylaws, conducted a SWOT analysis (an identification of the city's strengths, weaknesses, opportunities and threats), received briefings and attended conferences about various aspects of economic development, reviewed the new online commercial property locator and created subcommittees to study business incentives and retention, workers compensation and the city's image.

At the October 2003 meeting the EDC considered the next steps required for development of an Economic Development Plan for Milpitas. The EDC recommends that an experienced consultant be enlisted by the city to conduct the research, facilitate the process, and prepare the city's Economic Development Plan. The consultant would assist the project in a manner similar to the consultant work performed for the Midtown plan. The estimated cost of \$50,000 to \$75,000 could be funded with Redevelopment Agency funds.

RECOMMENDATION: Approve the concept to hire a consultant to help prepare the city's Economic Development Plan. Direct staff to return with a draft scope of work and time schedule for EDC and Council review.

XV. UNFINISHED BUSINESS**4. RECEIVE ODOR CONTROL COMPREHENSIVE ACTION PLAN UPDATE (STAFF CONTACT DARRYL WONG, 586-3345)**

BACKGROUND: At the October 7, 2003, Council public hearing, Council heard testimony from the community regarding odors and directed staff to coordinate development of an Odor Control Comprehensive Action Plan with the regulatory agencies and potential odor sources. Staff conducted odor control sessions with both potential odor source and regulatory representatives on October 16 and October 28, and with regulatory representatives on October 22. A verbal progress report will be made at the Council meeting.

Progress thus far includes the following:

1. For the present, Bay Area Air Quality Management District (BAAQMD) has agreed to be the Central Clearing House for all odor complaints. Call 1-800 334-ODOR.
2. A proposal has evolved for real time sharing of odor events by BAAQMD to all potential odor sources and Local Enforcement Agency (LEA) where appropriate so odor control actions may be implemented quickly.
3. Increased direct communication is being pursued between the BAAQMD and the LEA during compost odor complaint investigations.

4. Joint fact finding tours of BFI, Water Pollution Control Plant, Cargill by City of Milpitas, BAAQMD and LEA (where appropriate) are being conducted.

RECOMMENDATION: Note receipt and file progress report on development of a Comprehensive Action Plan.

***5. ADOPT REVISED FINDINGS AND CONDITIONS FOR VARIANCE NO. P-VA2003-2 AND “S” ZONE APPROVAL-AMENDMENT P-SA2003-61 TO EXCEED THE HILLSIDE IMPERVIOUS SURFACE COVERAGE REQUIREMENT TO ALLOW ACCESSORY STRUCTURES (STAFF CONTACT: JAMES LINDSAY, 586-3274)**

BACKGROUND: At its meeting of October 7, 2003, the City Council approved a variance at 510 Vista Spring Court to exclude 50% of the driveway that is shared with the adjacent parcel and 100% of the vehicle turn-around area from the property’s impervious surface area calculation. To support the conditional approval, Council requested staff to prepare revised finding and conditions for consideration at a near future meeting. The revised variance findings and conditions to reflect this approval have been provided in the Council’s agenda packet.

RECOMMENDATION: Adopt the revised Findings and Recommended Special Conditions for Variance No. P-VA2003-2 and “S” Zone Approval-Amendment P-SA2003-61 included in the Council’s agenda packet

XVI. NEW BUSINESS (None)

XVII. ORDINANCES (None)

XVIII. RESOLUTIONS

***6. ADOPT RESOLUTION ADJUSTING FIRE DEPARTMENT FEES (STAFF CONTACT: PATRICIA JOKI, 586-3370)**

BACKGROUND: At the October 21, 2003 council meeting, the Fire Department’s proposed fee adjustment schedule was approved with the standard rate of \$ 6.00. Included in the Council’s agenda packet are the revised fee schedule and accompanying resolution.

RECOMMENDATION: Adopt resolution adjusting Fire Department fees for regulated activities as specified in the proposed fee schedule

***7. ADOPT RESOLUTION GRANTING INITIAL ACCEPTANCE: 2003 STREET RESURFACING (PROJECT NO. 4182) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

BACKGROUND: The project to resurface various streets north of Calaveras Boulevard near Gadsden Drive was awarded to Interstate Grading and Paving, Inc. on August 1, 2003. The City’s contractor has completed the project. Therefore an initial acceptance may be granted and the contractor’s faithful performance bond may be reduced to \$27,773.27, which is 10% of the contract amount.

RECOMMENDATION: Adopt resolution granting initial acceptance subject to a one-year warranty period and reducing the faithful performance bond to \$ 27,773.27.

***8. ADOPT RESOLUTION GRANTING INITIAL ACCEPTANCE: OFF-LEASH DOG PARK (PROJECT NO. 5072) (STAFF CONTACT: DOUG DE VRIES, 586-3313)**

BACKGROUND: The project to construct a Dog Park at Ed Levin County Park, was awarded to Lonestar Landscape, Inc. on April 1, 2003. The City's contractor has completed the project. Therefore an initial acceptance may be granted and the contractor's faithful performance bond may be reduced to \$23,165.14, which is 10% of the contract amount.

RECOMMENDATION: Adopt resolution granting initial acceptance subject to a one year warranty period and reducing the faithful performance bond to \$ 23,165.14.

***9. ADOPT RESOLUTION GRANTING FINAL ACCEPTANCE: MAIN SEWER PUMP STATION IMPROVEMENTS (PROJECT NO. 6071) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

BACKGROUND: This project to upgrade the sewage pump station was initially accepted by council on October 3, 2000. A final inspection has been made and the project to construct a grinder facility, new electrical controls and backup power source, and pump upgrades at the main sewer pump station are satisfactory. Therefore a final acceptance may be granted and the contractor's faithful performance bond may be released.

RECOMMENDATION: Adopt a resolution granting final acceptance and releasing the bond.

XIX. BIDS AND CONTRACTS

***10. APPROVE THE CONSULTANT AGREEMENT: DE GROUP (DEG) - SINGLEY AREA STREET REHABILITATION (PROJECT NO. 4200-PHASE III) (STAFF CONTACT: DOUG DE VRIES, 408-586-3313)**

BACKGROUND: In accordance with the City's consultant selection procedure, DE Group (DEG) has been selected to perform the preparation of construction plans, specifications, estimates, and construction support services for the Singley Area Street Rehabilitation, Phase III. This project involves the ongoing rehabilitation of various streets and courts in the Singley Area. An agreement with DEG has been negotiated for an amount not to exceed \$214,352. There are sufficient funds available from the projects budgets.

RECOMMENDATION: Authorize the City Manager to execute the agreement with DE Group in an amount not-to-exceed \$214,352 subject to approval as to form by the City Attorney.

***11. APPROVE AGREEMENT AMENDMENT: BAY AREA COATING CONSULTANT SERVICES, HILLSIDE WATER SYSTEM IMPROVEMENT PROJECT (PROJECT NO. 7083) (STAFF CONTACT: STEVE ERICKSON, 586-3317)**

BACKGROUND: On April 1, 2003, City Council awarded a consultant contract to Bay Area Coating Consultants for special inspection and testing of the exterior coatings to be applied to the Tularcitos and Minnis water tanks as part of the subject project. The need for the testing and inspection services were estimated at 20-days, which was based upon the schedule of the tank coating contractor. The coating work required additional time to completely clean and sand blast the tanks of rust and debris. This required an additional 10-days of inspection and testing services for the tanks. The consultant has requested the agreement be amended to include the additional time and compensation not to exceed \$5,500. This request is reasonable for the work involved and there are sufficient funds in the project.

RECOMMENDATION: Authorize the City Manager to execute the agreement amendment with Bay Area Coating Consultants, in the amount of \$5,500, subject to approval as to form by the City Attorney.

***12. APPROVE AGREEMENT AMENDMENT: SUGIMURA & ASSOCIATES, GREAT MALL MEDIANS LANDSCAPE AND IRRIGATION (PROJECT NO. 4133) (STAFF CONTACT: DOUG DE VRIES, 586-3313)**

BACKGROUND: On February 19, 2002, City Council awarded a consultant contract to Sugimura & Associates for design services of landscape and irrigation for the medians along Great Mall Parkway, from I-880 to the south City limits.

On August 19, 2003, City Council also approved a consultant contract with Amso Consulting Engineers to perform further soils and drainage investigation on the medians. As a result of these investigations, the current landscape and irrigation design now requires adjustments in order to account for the unanticipated poor soils and drainage conditions. The design is still ongoing and will require additional design services from Sugimura & Associates, which were not originally included in their contract.

Staff recommends that Sugimura & Associates perform additional services to complete the landscape and irrigation design. An agreement amendment with Sugimura & Associates is proposed for these additional services. The fee associated with these services is not-to-exceed \$25,000, which is considered reasonable for the scope of work. There are sufficient funds in the project budget to cover this additional expense.

RECOMMENDATION: Authorize the City Manager to execute the agreement amendment with Sugimura & Associates, in the amount not to exceed \$25,000, subject to approval as to form by the City Attorney.

***13. APPROVE PLANS AND SPECIFICATIONS AND AMENDMENT TO CONSULTANT SERVICES AGREEMENT: SELWYN PARK IMPROVEMENTS (PROJECT NO. 5078) (STAFF CONTACT: MARK ROGGE, 586-3257)**

BACKGROUND: Plans and specifications for the subject project have been completed in accordance with the approved Capital Improvement Program (CIP). The improvements consist of upgrading the facilities at Selwyn Park, a neighborhood park located on Selwyn Drive. The park was constructed in the 1960's, and needs renovation to meet current accessibility and playground standards. The work includes new paving, play equipment, basketball practice area, pathways, site grading, drainage corrections, landscaping, irrigation and site amenities.

The project is funded primarily with Community Development Block Grant funds. The engineer's estimate for the work is approximately \$135,000, and funds are available in the project budget. A copy of the project plan title sheet is included in the Council's agenda packets. Complete plans and specifications are available for review in the office of the City Engineer.

On June 17, 2003, the City Council authorized award of a consultant contract to SSA Landscape Architects Inc. for design services for Selwyn Park. Now that design work is completed, it is appropriate to amend the contract to include bid phase and construction phase support by the consultant. These services are not included in the current contract scope. The fee for such services is estimated not to exceed \$8,000. This fee is considered reasonable for the anticipated services. There are sufficient funds in the project budget to cover this additional expense.

RECOMMENDATION:

1. Approve plans and specifications for Selwyn Park Improvements, Project 5078.
2. Authorize advertising for construction bid proposals.
3. Authorize the City Manager to execute an agreement amendment with SSA Landscape Architects in the amount of \$8,000, subject to approval as to form by the City Attorney.

***14. APPROVE PROJECT SENTINEL CONTRACT TO PREPARE THE ANALYSIS TO IMPEDIMENTS TO FAIR HOUSING REPORT (STAFF CONTACT: FELIX RELIFORD, 586-3071 / GLORIA ANAYA, 586-3075)**

BACKGROUND: As required by the Department of Housing and Urban Development (HUD) as part of being a Community Development Block Grant (CDBG) entitlement city, cities and counties that receive CDGB funding are required to prepare an Analysis of Impediments (AI) to Fair Housing Report. The AI Report examines the policies and practices, which potentially may limit a resident's ability to choose housing in an environment free of discrimination. The purpose of the AI Report is to increase housing opportunities, and choices, identify problems and assemble fair housing information.

HUD requires entitlement jurisdictions to develop action plans to overcome effects of identified impediments to fair housing choices. HUD also requires that the AI Report be revised and updated every five years. The City Council approved the last AI Report in June 1998.

Staff has selected Project Sentinel to prepare and revise the Milpitas AI Report because they serve as the city's fair housing agency, prepared the last AI Report and have the history and documentation to complete this task. Because of this advantage, the costs to prepare the report will not exceed \$7,500 and will be completed within six months from the execution of the contract agreement (draft contract and proposal are included in the Council's agenda packet).

Sufficient funds are available in the CDBG Program Administration account to fund this project.

RECOMMENDATION: Authorize the City Manager to execute a contract agreement with Project Sentinel to prepare the Milpitas Updated Analysis to Impediments to Fair Housing Report in an amount not-to-exceed \$7,500.

***15. APPROVE PURCHASE ORDER PAYMENT REQUESTS FOR RADIO ANTENNA EQUIPMENT AND RADIO TOWER MAINTENANCE (STAFF CONTACT: BILL MARION, 586-2701)**

BACKGROUND: The City maintains a radio tower located on Mission Ridge to support Public Safety and other City radio communications. As part of a routine inspection in mid-October, it was noted that several of the antennas require replacement. Replacement of these antennas was programmed as part of the overall radio system upgrade project, however due to the condition of the equipment and the pending winter weather conditions, it was determined that this work should be expedited. The replacement involves the purchase of equipment and the use of a radio tower maintenance firm to remove the existing antennas, service the tower and install the new antennas.

Radio equipment cost is \$11,961.65 and service of the radio tower is estimated to cost between \$2500 and \$7500 depending on the degree of repair needed. Funding for the purchase and maintenance service is available in CIP No. 8125 Radio Replacement.

RECOMMENDATION:

1. Approve purchase order to Telecommunications Engineering Associates in the amount of \$11,961.65 for the purchase of radio antenna equipment.
2. Approve purchase order to Bay Communications in an amount not to exceed \$7,500 for radio tower maintenance and antenna installation.

***16. AUTHORIZE SOLE SOURCE PURCHASE ORDER TO PETERSON POWER SYSTEMS FOR SERVICING DIESEL ENGINES AT OAKCREEK PUMP STATION (PROJECT NO. 8140) (STAFF CONTACT: DOUG DE VRIES, 586-3313)**

BACKGROUND: Authorization is requested to have the 3 Caterpillar diesel engines cooling systems serviced and upgraded at Oakcreek pump station. The work needs to be performed by an authorized Caterpillar dealer and Peterson Power Systems is the only authorized service dealer in the greater Bay Area. The cooling system service will include removing and replacing 3 radiators and modifying intake shrouds, engine thermostats, belts, hoses, and recharge the system with coolant. The upgrades will improve the reliability of the equipment, which has been in danger of failure during peak demands. Replacement of the engines will likely be necessary next year. Peterson Power Systems has provided a cost of \$24,534 for furnishing and installing the cooling system upgrades, which is reasonable. There are sufficient funds available in the project budget.

RECOMMENDATION: Authorize staff to execute a sole source purchase order with Peterson Power Systems in the amount of \$24,534 for furnishing and installing materials to service the cooling systems at Oakcreek Pump Station.

***17. APPROVE AN INCREASED PREMIUM FOR EXCESS WORKERS' COMPENSATION INSURANCE (STAFF CONTACT: CHERIE ROSENQUIST, 586-3082)**

BACKGROUND: The City is required by State law to carry excess workers' compensation insurance as a result of being self-insured for Workers' Compensation. Unexpectedly this year the rates were increased by 319%. Historically, following the yearly financial audit the final premium payment is determined on payroll yearend calculations. The final adjusted premium owed for 2002-03 is \$16,396. In the future these premium costs will be estimated and included in the proposed budget.

RECOMMENDATION:

1. Approve year-end final premium payment for Workers' Compensation Excess Insurance with Employer Reinsurance Corporation for fiscal year 2002-03 through Cal-Surance.
2. Approve a budget appropriation in the amount of \$16,396 from the General Fund unreserved, undesignated fund balance.

XX. CLAIMS AND DEMANDS (None)

XXI. ADJOURNMENT

XXII. MILPITAS CONNECTION BOARD OF DIRECTORS MEETING

MC1. CALL TO ORDER BY THE MAYOR

MC2. ROLL CALL

MC3. APPROVE CERTIFICATE OF DISSOLUTION FOR THE MILPITAS CONNECTION, INC. (STAFF CONTACT: GAIL BLALOCK, 586-3001)

BACKGROUND: The Milpitas Connection, Inc. was formed in 1977 as a non-profit corporation for the purpose of distributing the Recreation Activities Guide and City Newsletter (*Milpitas Connection*). It was primarily formed to take advantage of non-profit third-class bulk mailing rates to mail the recreation newsletter. The members of the corporation are the Mayor, who serves as President; the Vice Mayor, who serves as Vice President; the members of the Council, who serve as Directors; the City Manager, who serves as Secretary/Treasurer; and the Finance Director, who serves as a Director of the Corporation. Copies of the Bylaws and Articles of Incorporation are included in the Council's agenda packet.

In 1991, the Postmaster informed the City that the Milpitas Connection Inc., no longer qualified as an educational organization and the bulk mailing permit was revoked. Since the original

purpose for forming a corporation no longer exists, staff is recommending that the Milpitas Connection, Inc., be dissolved. To achieve this, a Certificate of Dissolution, approved and signed by all members, must be filed with the Secretary of State.

RECOMMENDATION: Approve Certificate of Dissolution to dissolve the Milpitas Connection as a Corporation.

MC4. ADJOURNMENT

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, NOVEMBER 18, 2003, AT 7:00 P.M.**